

6.0 AGENCY COORDINATION AND PUBLIC INVOLVEMENT

Chapter 6 describes the processes for agency coordination and public involvement undertaken by federal, state and local agencies for the SR-262; Montezuma Creek to Aneth EIS. Because effective agency coordination and public involvement are critical to the success of any transportation project, the goal for the SR-262 project was to ensure that both the public and agencies were involved and informed about project planning and environmental review throughout the EIS process.

The agency coordination and public involvement process was designed to comply with a number of key federal regulations including, but not limited to, NEPA, Section 106 of the National Historic Preservation Act, and the Transportation Equity Act for the 21st Century (TEA-21) of 1998. The most significant and recent legislation affecting the project's environmental review process was the Safe, Accountable, Flexible, Efficient Transportation Equity Act: A Legacy for Users (SAFETEA-LU) of 2005. Section 6002 of the Act established a new process for environmental review, agency coordination and public involvement on highway, transit, and multimodal projects. The following sections describe the key elements of the SR-262 project's compliance with the requirements of SAFETEA-LU.

6.1 COORDINATION PLAN

SAFETEA-LU requires project Lead Agencies to prepare a Coordination Plan. In the Coordination Plan, the Lead Agencies must describe: a) the responsibilities for environmental review compliance assigned to other participating agencies along with opportunities for input; and b) opportunities for input by the public on project planning and environmental review. A standard review and comment period of 30 days was established (for review of project Purpose and Need and range of alternatives). Please refer to Section 6.3 – Public Involvement, for additional details of the public involvement process.

Additional points of coordination include key project milestones such as:

- Notice of Intent and scoping activities
- Development of the Purpose and Need
- Identification of the range of alternatives
- Review and input on impact assessment methodologies
- Completion of the DEIS
- Identification of the preferred alternative
- Completion of the FEIS
- Completion of the ROD

The Coordination Plan, which included the project schedule, was provided to the public and participating agencies early in the development of this project. The Coordination Plan has been updated to reflect changes in details of coordination with the public and agencies, and changes in schedule. The plan focused on special measures to coordinate with the local public in order to

provide them with opportunities for input in the project's Purpose and Need and range of alternatives. The Coordination Plan for the SR-262; Montezuma Creek to Aneth project is contained in **Appendix B**.

6.2 AGENCY COORDINATION

Section 6002 of SAFETEA-LU established new requirements for coordination with, and involvement of, other federal, state and local agencies. Key provisions include:

- A new category of “participating agencies” to allow more state, local, and tribal agencies a formal role and rights in the environmental review process.
- An “opportunity for involvement” by participating agencies in defining the project's Purpose and Need.
- An “opportunity for involvement” by participating agencies in defining the range of project alternatives.
- Collaboration with the participating agencies in the determination of the appropriate methodologies to be used and the level of detail required in the analysis of alternatives.

6.2.1 Cooperating and Participating Agencies

SAFETEA-LU requires the identification of Lead, Cooperating and Participating agencies in the development of an EIS. For the SR-262 project, the Joint Lead Agencies include the US Department of Transportation (USDOT) through FHWA, the Navajo Nation through Navajo DOT, and UDOT. **Appendix B** contains a Memorandum of Understanding (MOU) between FHWA, Navajo DOT, and UDOT and shows their roles and responsibilities as Joint Leads for this project.

The roles and responsibilities of Cooperating and Participating Agencies include, but are not limited to:

- Involvement in the NEPA process beginning as early as possible, with particular emphasis on development of the Purpose and Need, range of alternatives, and methodologies for the analysis of alternatives.
- Identifying, as early as practicable, any issues of concern regarding the project's potential environmental or socioeconomic impacts, and participating in the resolution of any issues.
- Participating in the scoping process.

Cooperating Agencies are, by definition, Participating Agencies, but not all Participating Agencies are Cooperating Agencies. The roles and responsibilities are similar. However, Cooperating Agencies have a higher degree of authority, responsibility, and involvement in the environmental review process. Cooperating Agencies are defined in NEPA as agencies with jurisdiction by law or special expertise. At the request of the Lead Agency, a Cooperating Agency may develop information or conduct analyses for the project or the EIS relating to their particular area of expertise. An example of this is the BIA, since they have jurisdiction by law

regarding easements along SR-162, they may adopt this EIS in compliance for their NEPA responsibilities triggered by the issuance of easements.

The FHWA, in coordination with Navajo DOT, and UDOT, identified other federal, state, and tribal agencies that may be interested in being a Cooperating or Participating Agency. On February 24, 2006, letters were sent to 17 federal and state agencies inviting their participation in the project. The letter provided information about the project, including a copy of the February 8, 2006, Notice of Intent to prepare this EIS that was published in the Federal Register. If a Federal agency did not respond to the invitation to become a Cooperating Agency they were automatically determined to be a Participating Agency. Two sets of letters were sent to federally recognized Indian Tribes inviting them to become a Participating Agency. No Indian Tribes accepted the invitation to become a Participating Agency.

Table 6.1 lists the Joint Lead Agencies for the project, as well as those agencies that responded to the February 24, 2006 letter expressing an interest in being a Cooperating or Participating Agency. The table also shows the point of contact for each agency.

Table 6.1 - Lead, Cooperating, and Participating Agencies for the SR-262 EIS

Agency	Designation	Point Of Contact
FHWA	Joint Lead Agency	Brenda Redwing
Navajo DOT	Joint Lead Agency	Michele Morris
UDOT	Joint Lead Agency	Kim Manwill
EPA	Participating Agency	Tom Plenys – Region 9 Jody Ostendorf – Region 8
USFWS	Participating Agency	Betsy Herrmann
USACE	Participating Agency	Kara Hellige
BIA – Navajo Region	Cooperating Agency	Harrilene Yazzie
BIA – Western Region	Participating Agency	Amy Heuslein
Aneth Chapter of the Navajo Nation	Participating Agency	Bill Todacheenie
THPO	Cooperating Agency	Ron Maldonado
NNEPA	Participating Agency	Rita Whitehorse-Larsen
Navajo Nation Office of the President/Vice President	Participating Agency	Andrew Tso
Navajo Nation Division of Community Development	Participating Agency	Arbin Mitchell
Navajo Nation Division of Natural Resources	Participating Agency	Arvin Trujillo
Navajo Nation Department of Justice	Participating Agency	John Rutherford
Navajo Nation Department of Fish and Wildlife	Participating Agency	Gloria Tom/Ron Malecki
Navajo Nation Water Management Department	Participating Agency	John Leeper
Navajo Nation Water Code Administration	Participating Agency	Melvin Badonie
Navajo Nation Project Review	Participating Agency	Howard Draper

Table 6.1 - Lead, Cooperating, and Participating Agencies for the SR-262 EIS (cont.)

Agency	Designation	Point Of Contact
Navajo Nation Land Department	Participating Agency	Mike Halona
Navajo Nation Division of Health	Participating Agency	Anslem Roanhorse
Navajo Nation Division of Public Safety	Participating Agency	Sampson Cowboy
Navajo Nation Division of Social Services	Participating Agency	Cora Maxx-Phillips
SHPO	Cooperating Agency	Matthew Seddon
UDWQ	Participating Agency	Shelly Quick
SITLA	Participating Agency	Bryan Torgerson

- The agency representatives were invited to an Agency Scoping Meeting that was held on March 1, 2006.
- The agency representatives were invited to attend a public and agency Alternatives Meeting held on June 27, 2007.
- The agencies were sent an Agency Update Package on January 22, 2008. This package included an updated Coordination Plan, drafts of Chapter 1 – Purpose and Need, and Chapter 2 – Alternatives, and the Analysis Methodology that would be used for analyzing specific resources. The agencies were invited to make comments on any of the information included in the package.
- The agency review of the DEIS will occur in September 2008.

6.2.2 Programmatic Agreement and Section 106 Consultation

A key area of concern on the SR-262 project is potential impacts to archeological, cultural, and historic resources. Compliance with Section 106 requires a coordinated interagency effort that includes FHWA, Navajo DOT, UDOT, BIA, THPO, federally recognized Indian Tribes who are Consulting Parties, SHPO, and SITLA. That interagency process is documented in a PA signed by those agencies. The agreement sets forth the process, procedures and conditions under which Section 106 investigations will be conducted. Key features of the agreement include:

- Consultation with other affected Tribes
- Procedures for identifying historic properties
- Criteria for determining eligibility
- Criteria for determining adverse effect
- Process for avoiding or mitigating adverse effects
- Requirements for reporting and reviewing documents
- Protocols for treatment of human remains and cultural objects
- Process for addressing changes to project construction limits

- Monitoring of activities under the agreement
- Resolution of disputes

The PA is contained in the project Coordination Plan (see **Appendix B**).

Affected Indian Tribes were invited to attend a site visit to review draft eligibility determinations and findings of effect, and to discuss preliminary treatment of affected sites that were identified during the cultural survey. The four Tribes who participated in site visits included: Hopi, Ute, Ute Mountain, and Zuni. The site visits included a review of several archaeological sites and the Tribes views on the specific use and history of the sites. The information from these site visits was used to help determine the history, use, and impacts to the sites from the project. The site visits were documented, and are included in the project record. These reports are not available for general review as some of the information is sensitive and confidential. The following is a list of the dates when the Tribal site visits occurred.

- Hopi Indian Tribe field visit June 12, 2007
- Ute Indian Tribe field visit June 20, 2007
- Zuni Tribe field visit June 28, 2007
- Ute Mountain Indian Tribe field visit September 26, 2007

6.3 PUBLIC INVOLVEMENT

NEPA requires lead agencies to “ensure that environmental information is available to public officials and citizens before decisions are made and before actions are taken” (40 CFR 1500.1(b)). Throughout the EIS process, the Joint Lead Agencies have encouraged involvement from the local community to identify issues and develop project alternatives. The following sections describe public involvement activities to date for the SR-262 project.

6.3.1 Public Involvement Plan

At the point of project initiation, the Lead Agencies prepared a Public Involvement Plan, which was part of the Coordination Plan. It identified the process and tools to be employed for public outreach and to solicit public comments on community issues, project alternatives, potential impacts, and measures to mitigate those impacts. The plan was subject to public review and opportunity for comment. The Public Involvement Plan was the means the Lead Agencies followed to allow the public opportunities for input in the project Purpose and Need and the range of alternatives. Public input was considered by the Lead Agencies before they decided the project Purpose and Need and the range of alternatives.

The plan continues to be updated as the project progresses and new information on public and community concerns about the project are received. The plan contains a variety of tools and activities for public outreach, including:

- List of stakeholders
- Project contact database

- Project website www.udot.utah.gov/sr-262
- Public and agency scoping meetings
- Public hearing on the DEIS
- Court recorder at the DEIS public hearing
- Informational meetings with the Aneth Chapter
- Navajo speaking translators at all public meetings and translation of specific project display materials into the Navajo language
- News releases and feature stories for release to newspapers
- Project briefings to agencies and the public
- Advertising of meetings and key project milestones
- Obtaining feedback on the effectiveness of public involvement tools

The Public Involvement Plan is incorporated as a part of the Coordination Plan (**Appendix B**).

6.3.2 Activities to Date

Table 6.2 summarizes public involvement activities to date on the SR-262 project.

Table 6.2 - Public Involvement Activities to Date

Activity	Date
Project Website	January 2006
Public Involvement Workshop	January 17, 2006
Project Logo	February 2006
Draft Public Involvement Plan	February 2006
Aneth Chapter Meeting Presentation	February 12, 2006
Public Scoping Meeting	March 8, 2006
Public Meeting on Project Alternatives	June 27, 2007
Public hearing on Draft EIS	September 2008

Following are summaries of key public meetings held to date on the SR-262 project.

6.3.2.1 Scoping Meeting

The SR-262 EIS scoping period began with the Federal Register Notice of Intent published on February 8, 2006. UDOT held a public scoping meeting on March 8, 2006, at the Navajo Nation Aneth Chapter House, in Aneth Utah. The meeting was held in an open house format from 4:00 pm to 7:00 pm.

The following methods were used to notify the public of the scoping meeting:

- Announcement at the monthly Aneth Chapter Meeting
- Meeting fliers posted at local gas stations

- Meeting fliers sent home with students of Montezuma Creek Elementary and Whitehorse High School
- Paid advertisements placed in the Navajo Times, San Juan Record, Salt Lake Tribune, and Deseret News
- Press releases distributed to local news and radio outlets

The format for the scoping meeting consisted of:

- A welcome desk at the front of the meeting area with sign-in sheets for the public
- Comment form provided to each attendee
- Displays placed around the meeting room that included a study area map, meeting objectives, the EIS project process, a project schedule, an overview of the NEPA process, preliminary project goals, and opportunities to provide comments on the project
- Project team members escorted attendees through the open house to explain the meeting materials and answer any questions or provide additional information
- Navajo translators were available to translate the meeting materials into Navajo and translate comments received in Navajo into English

Meeting attendees were encouraged to complete comment forms prior to their departure from the meeting. Postage-paid comment forms were provided to individuals who wished to complete the form after the meeting.

Meeting Summary

A total of 17 people attended the public scoping meeting on March 8, 2006. Copies of all public meeting materials and comments received are included in **Appendix B**. The primary issues raised by the public included safety concerns along the corridor, the addition of emergency and/or school bus pull-offs, and the addition of wildlife/livestock crossings.

6.3.2.2 Public Meeting on Project Alternatives

A public meeting on the project alternatives was held on June 27, 2007, at Aneth Chapter House. The meeting was held in an open house format from 4:00 pm to 7:00 pm. The format for the meeting consisted of:

- Sign-in sheets for attendees at the welcome desk
- Comment form provided to each meeting attendee
- Displays including a study area map, meeting objectives, project schedule, draft Purpose and Need, proposed roadway cross-sections, proposed roadway and intersection alternatives, and opportunities to provide comments on the project
- Project team members escorted meeting attendees to explain the meeting materials and answer any questions or provide additional information
- Navajo translators were available to translate the meeting materials into Navajo and also translate Navajo comments into English

Meeting attendees were encouraged to complete comment forms prior to their departure from the meeting. Postage-paid comment forms were provided to individuals who wished to complete the form after the meeting.

Meeting Summary

A total of 11 people attended the alternatives public meeting on June 27, 2007. Copies of all public meeting materials and comments received are included in **Appendix B**. The primary issues raised by the public continued to include safety concerns along the corridor, the addition of emergency and/or school bus pull-offs, and the addition of wildlife/livestock crossings.

6.3.3 Project Website

The SR-262 EIS project website is located at www.udot.utah.gov/sr-262. This project website is also referenced on the UDOT home page (www.udot.utah.gov) under Projects and Studies. The website provides project related materials and is periodically updated as new information is available. Comments can be submitted to the project team at any time through the project website. **Figure 6.1** shows the SR-262 EIS Project Website Home Page.

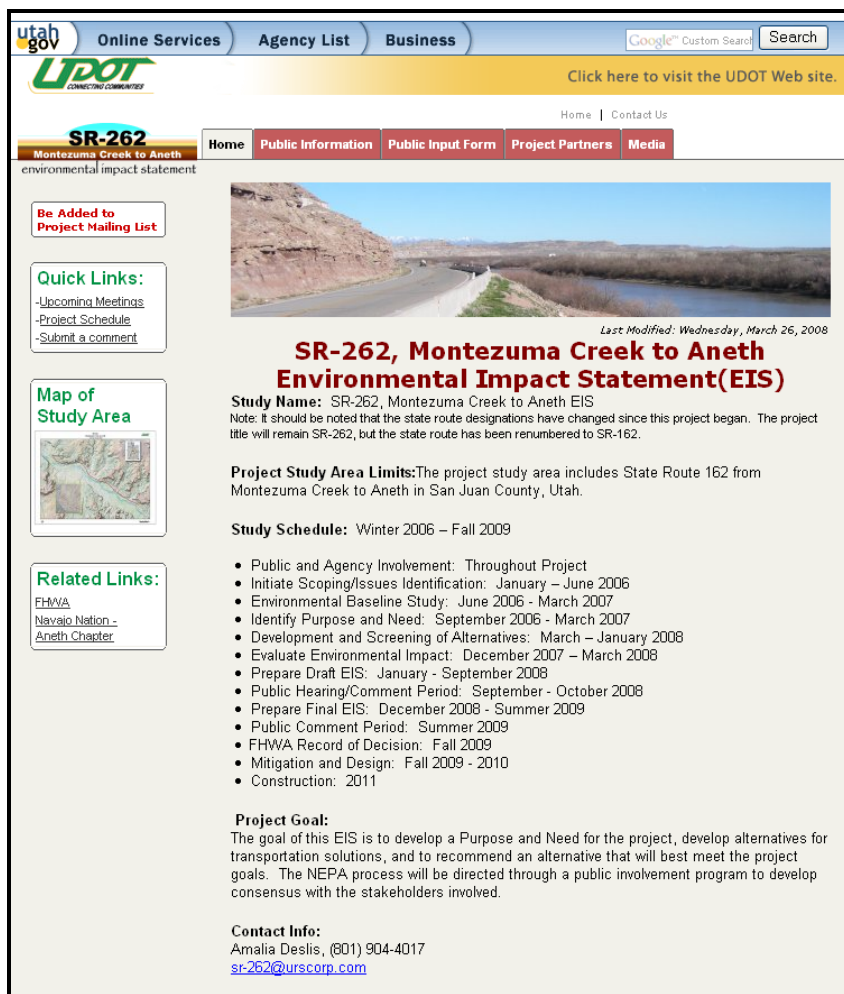


Figure 6.1 - Screen Shot of SR-262 Project Website

6.4 UPCOMING PUBLIC AND AGENCY COORDINATION ACTIVITIES

A Public Hearing will be held to accept comments on the Draft EIS (DEIS) on September 24, 2008. A Notice of Availability (NOA) of the DEIS and the Public Hearing date and location will be published in the Federal Register on September 5, 2008 and published in the Navajo Times, San Juan Record, Mancos Times, Dolores Star, Durango Herald, The Durango Telegraph, Four Corners Free Press, Gallup Independent, Cortez Journal, Farmington Daily Times, Blue Mountain Panorama, Salt Lake Tribune, and the Deseret News. Meeting fliers will be sent home with students attending Montezuma Creek Elementary and Whitehorse High School.

Announcements will be made at Aneth Chapter Meetings, distributed through the project mailing list, and posted on the project web site. The DEIS was made available for public review during the 45-day public comment period at the following locations:

- Aneth Chapter House in Aneth, Utah
- Montezuma Creek Elementary School in Montezuma Creek, Utah
- Whitehorse High School in Montezuma Creek in Montezuma Creek, Utah
- San Juan County Building in Monticello, Utah
- Navajo DOT Office in Shiprock, New Mexico
- San Juan County Library in Blanding, Utah

The public and agencies will have the opportunity to provide comments for the record on the SR-262 project. Written comments, to be included as an official part of the record, will be accepted for 45 days following the NOA. Written comments may be submitted at the Public Hearing, on the project website, or may be mailed to:

SR-262 EIS; Montezuma Creek to Aneth
Administrative Record
c/o URS Corporation
756 East Winchester Street
Suite 400
Salt Lake City, UT 84107

After receipt and full consideration of public and agency comments, the Final EIS will be prepared by FHWA, Navajo DOT, and UDOT.

The Preferred Alternative, the basis for its selection, and the response to public and agency comments will be documented in the ROD that will be published in the Federal Register.